

Trade Adjustment Assistance For Workers

Trade Reform Act of 2002

Information Bulletin

Trade Adjustment Assistance (TAA) is available to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports from or a shift in production to another country.

Under the Trade Act, workers whose employment is adversely affected by increased imports or a shift in production may apply for TAA. TAA includes a variety of benefits and reemployment services to help unemployed workers prepare for and obtain suitable employment. Workers may be eligible for training, a job search allowance, a relocation allowance, and other reemployment services. Additionally, weekly trade readjustment allowances (TRA) may be payable to eligible workers following their exhaustion of unemployment benefits. Usually, TRA will be paid only if an individual is enrolled in an approved training program. Information on the health insurance tax credits, and wage supplements under the new Alternative Trade Adjustment Assistance (ATAA) will become available in the future.

The Employment and Training Administration of the U.S. Department of Labor administer the TAA program. States serve as agents to the Labor Department in administering the program.

Establishing Group Eligibility For Workers Whose Jobs May Be Affected

You must first file a petition with the Office of Trade Adjustment Assistance to establish group eligibility to apply for TAA. Petitions filed on or after November 4, 2002 fall under the new Trade Act of 2002. Petitions filed prior to that date fall under the Trade Act of 1974, as amended, or the North American Free Trade Agreement of 1993. Petitions may be filed by a group of three or more workers, their union, or an authorized representative. One-stop operators or one-stop partners, including state employment security agencies and state dislocated worker units, may also file petitions on behalf of the workers. You can obtain the proper forms by calling the TAA central office (907) 465-1882 or 465-5947, or by writing to Department of Labor, Employment Security Division, ES Programs Unit, P.O. Box 25509, Juneau, Alaska 99802-5509. Petitions can be printed from the TAA web site of <http://www.jobs.state.ak.us/taa/forms.htm> or the US DOL web site of <http://www.doleta.gov/tradeact>.

Upon receiving a petition, a fact-finding investigation is instituted to determine whether increased imports contributed importantly to decreased sales and production and to worker separations in a particular company or subdivision. If increased imports contributed importantly to job reductions in your company or subdivision, the Labor Department certifies the affected group of workers as eligible to apply for TAA. The certification will contain an "Impact Date" which is a date of up to one year prior to the date of the petition. Workers who are separated on or after the impact date and who are covered by a certification are eligible to apply for TAA. The life of the certification is 2 years from the date of issuance unless terminated earlier, and workers who are separated within the period of the certification and who are covered by the certification are eligible to apply for TAA.

Applying For TAA Benefits When Your Group Has Been Certified

To be eligible for TAA benefits and reemployment services, you must have been laid off or put on a reduced work schedule (hours of work reduced to 80 percent or less of your average weekly hours and wages reduced to 80 percent or less of your average weekly wage) on or after the "Impact Date" and before the ending date of certification.

Return the proper form (855) to the central TAA office for a determination of your individual eligibility for Trade Readjustment Allowances (TRA). A determination will be made as to whether you are eligible for TRA. Even if it is determined that you are not entitled to TRA, if you are covered by a certification and have a qualifying separation, you will remain eligible to apply for other TAA program benefits.

Each state has designated an agency to provide training and reemployment services to trade impacted workers. In Alaska there is an Employment Service Office in most major communities with employment counselors prepared to guide you in selecting the best training for your situation.

Obtaining A Job Search Allowance

A job search allowance may be payable to cover expenses incurred in seeking employment outside your normal commuting area. You may be paid 90 percent of necessary transportation and living expenses (up to a maximum of \$1,250) while searching for such employment.

There are time limits for filing applications for job search allowances. You must file for job search allowances within 365 days of the date of certification or 365 days after the date of your last total separation, whichever is later, or within 182 days of completing approved training. Therefore, it is important that you file an application before beginning your search for work outside your normal commuting area. Only travel within the United States is authorized.

Obtaining A Relocation Allowance

If you are successful in obtaining employment outside your normal commuting area, the TAA program offers financial assistance for you to relocate to your new area of employment.

A relocation allowance pays 90 percent of the reasonable and necessary expenses of moving you, your family, and your household goods (not to exceed the weight limit authorized in Federal travel regulations) to the new location. Additionally, you will receive a lump sum payment equal to three times your former average weekly wage (up to a maximum of \$1,250) to help you get settled.

To apply for a relocation allowance, obtain the necessary forms from the TAA central office, your employment or vocational counselor, or off our website. Your application must be filed and approved by us before moving. Your application may be approved if it is determined that no suitable work is available in your home area and that you:

- have obtained suitable work of long-term duration or a bona fide offer of such work in an area within the United States to which you will move.
- have not previously received a relocation allowance under the same certification.
- are totally separated from employment at the time of relocation. Partially separated workers may apply in anticipation of total layoff.

There are time limits for filing an application for relocation allowance. You must file for a relocation allowance within 425 days after the date of certification or 425 days after your last total separation whichever is later, or within 182 days after you complete approved training. You must relocate within 182 days after you apply for a relocation allowance.

Improving Your Job Prospects Through Training

If there are no suitable jobs in your area and training would improve your chances of getting a job, you should discuss your needs and goals with the staff of the designated agency to see if you qualify. You will be advised as to the employment outlook for workers with different job skills, the kinds of work best suited to your aptitudes and interests, and the training opportunities that may be available at no cost to you. Training opportunities include on-the-job, vocational or technical training and remedial education.

You may receive trade readjustment allowances (TRA) while you train as long as you continue to attend and make satisfactory progress in the training. If the training facility you attend is beyond the normal commuting distance from your home, you may be paid for some of your transportation costs and living expenses.

Alternative Trade Adjustment Assistance (ATAA)

The new Trade Act of 2002 establishes a program called the Alternative Trade Adjustment Assistance. Workers in firms with a significant number of workers over age 50 without easily transferable skills may choose to receive payments of 50 percent of the difference between pre-layoff wages and their reemployment wages. They can receive up to \$10,000 over a two-year period. The ATAA program will be implemented August 6, 2003.

Health Care Provisions

The Trade Act of 2002 creates a tax credit of 65% of the cost of health coverage for eligible individuals and qualified family members. Tax credits may be advanced beginning August 2, 2003 or may occur at the end of the year beginning December 1, 2002. Eligible individuals include TAA participants receiving weekly TRA benefits, those who are eligible to receive TRA but receive Unemployment Insurance (UI), ATAA participants, and individuals age 55 who are receiving pension benefits paid by the Pension Benefit Guaranty Corporation.

Qualifying For Trade Readjustment Allowance (TRA)

To qualify for TRA you must:

- be covered by a certification and eligible for TAA.
- be laid off due to lack of work.
- have worked at least 26 weeks at wages of \$30 or more a week for your certified employer in the 52-week period, ending with the week of separation.
- have been entitled to and have exhausted all rights to unemployment insurance benefits.
- be enrolled in or have completed an approved training program, unless the State TAA Coordinator waives the training requirement.
- If not in training, you must meet the same weekly work test applicable to claimants for extended unemployment insurance benefits, including actively seeking, applying for and accepting work within your capabilities.

If you do not qualify for TRA, you will still be eligible for reemployment services, training, a job search allowance, and a relocation allowance, provided you have been laid off from a certified employer between the impact and the expiration date of the certification.

The Amount Of Your TRA

If you qualify for TRA, the weekly amount of your TRA will be generally the same as your Unemployment Insurance claim.

Any earnings or other income you receive that would reduce your weekly unemployment benefits will reduce your TRA. Your TRA will also be reduced by the amount of any other Federal training allowance you are entitled to for the same week.

Your TRA Eligibility Period

If you qualify for TRA, your eligibility period for basic TRA is the 104-week period beginning with the first week that follows the week of your most recent total separation within the certification period. You must exhaust all your rights to unemployment benefits before you may receive TRA. The maximum amount of TRA you may receive during this period is limited to 52 times your TRA weekly amount minus all unemployment insurance benefits that you were entitled to receive. To be eligible to receive

TRA you must be enrolled in training within 16 weeks of separation or 8 weeks of certification, or be on an approved training waiver.

Additional TRA Benefits

You may receive up to 52 additional weeks of TRA if you are attending training. Additional TRA benefits are consecutive and only payable while you are attending school.

Your Appeal Rights

Worker Petition for Group Eligibility: Under the Trade Act, workers whose petition for TAA has been denied by the Labor Department may request administrative reconsideration by the Labor Department within 30 days after publication of the determination in the Federal Register. Such a request must be in writing and provide specific information or reasons why the workers consider the Labor Department's decision to be in error either as to facts not considered or as to the interpretation of the facts or the law. Workers may also file an appeal seeking judicial review of the Labor Department's negative determination or negative redetermination within 60 days of publication of the denial in the Federal Register. Pursuant to the Customs Court Act of 1980 (PL 96-417) appeals for judicial review must be filed with the U.S. Court of International Trade, Office of the Clerk, Federal Plaza, New York, New York 10007.

Individual Applications for Allowances and Training: If you are not satisfied with the determination of your individual application, you have the same appeal rights as are provided under your State unemployment compensation law. The determination notice, which you receive after filing your application, will explain your appeal rights and time limits for filing an appeal.

Equal Employment Opportunity: The Alaska Department of Labor provides service without regard to race, color, national origin, sex, age, disability, religion, citizenship, political affiliation or belief, or participation in programs funded by WIA. Persons who believe themselves or any specific class of individuals to be the subject of discrimination may file a written complaint with the Directorate of Civil Rights.

For Further Information

This Information Bulletin provides a general description of the TAA program. For more information on the TAA program and how to apply, receive services and qualify, please **write the central TAA office at P.O. Box 25509 Juneau, AK 99802 or call (907) 465-1882 or 465-5947**; the Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D. Street, NW., Room 6434, Washington, D.C. 20213, telephone (202) 376-6896; or any of the Labor Department's 10 Regional Employment and Training Administration offices in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City (MO), Denver, San Francisco, and Seattle.